

REMARKS/ARGUMENTS

Claims 1-20 remain pending and are unchanged by this response.

On July 29, 2003, a revocation and substitution of power of attorney was filed with the United States Patent and Trademark Office (USPTO) in the instant case. While Applicants did receive a fax acknowledgement confirming receipt of these documents by the USPTO, apparently the changed Power of Attorney was never associated with this case.

Accordingly, on March 22, 2004, a notice of allowance was mailed to the former attorneys of record, Lyon & Lyon, a law firm which has dissolved. On July 16, 2004, Applicant became aware of the mailing of the notice of allowance to the former attorneys of record. However, the notice of allowance and other documents mailed therewith have not yet been received by Applicant.

Rather than pay the issue fee due June 22, 2004, a Request for Continued Examination (RCE) and the instant accompanying response are being filed, in order to allow time to attend to certain ministerial matters spelled out in the original notice of allowance.

In particular, formal drawings are in the process of being prepared, and will be transmitted to the official draftsman shortly. A substitute specification is also being provided with this response to amend the instant application to delete the appended Dunlavey article, and to incorporate this article by reference in its entirety for all purposes. No new matter has been added to the application by this substitute specification. A copy of the change of power of attorney documents are being resubmitted with this RCE.


In light of the above amendments and remarks, as well as the notice of allowance mailed March 22, 2004, it is respectfully asserted that pending claims 1-20 remain in condition for allowance. Reissuance of a formal Notice of Allowance is therefore respectfully requested. Applicants further respectfully request that any other documents mailed with the original notice of allowance, for example a copy of the USPTO form 892 and initialed USPTO form 1449, also be enclosed.

Appl. No. 09/823,439
Response Accompanying RCE

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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